IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15333 of 2004

Between:

Pentaiah Enterprises, Diet Contractors, Area Hospital,
Nampally, rep., by its Proprietor M.Pentaiah, s/o M.Ramaiah,

aged 44 years, C-46, S.R.T.Colony, Uppuguda, Hyderabad.

..... PETITIONER

AND

1 The Principal Secretary, Medical and Family Welfare (CI) Department, Secretariat Buildings, Hyderabad.
2 The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 The District Coordinator of Hospital Services, Koti, Hyderabad.
4 The Medical Superintendent, Area Hospital, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "writ of mandamus" and declare the action of the respondents in not paying the enhanced diet charges as per the G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department, dt.20-6-2003, is as illegal, arbitrary and against the law laid down by Divisional Bench of this Hon'ble Court in W.A.No.280 of 2000 and batch and consequently direct the respondents to pay the enhanced diet charges as per G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department dt.20-6-2003 w.e.f. from 20-6-2003 and to pass such other orders as are necessary in the interest of justice.

Counsel for the Petitioner: MR.G.BUCHAIAH GOUD

Counsel for the Respondent No.1: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.2 to 4: MR.K.L.N.SWAMY, SC FOR APVVP

The Court at the stage of admission, made the following :

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ORAL ORDER

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The petitioner is a diet contractor supplying food to the patients in the hospitals under the control of second respondent. He is being paid Rs.10/- per head for supply of meal for general patients and Rs.15/- for T.B. Patients in pursuance of the orders of the Government in G.O.Ms.No.257, dated 31-05-1995. Subsequently due to hike in prices, the petitioner made a representation to the Government and the Government issued a G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20-06-2003 enhancing the rate of the meal of the general inpatients from Rs.10/- to Rs.15/- and for T.B. Patients from Rs.15/- to Rs.20/-. The G.O came into force with immediate effect. The grievance of the petitioner is that the second respondent is not paying enhanced rate for the meal that is being supplied to the patients as per the rates sanctioned under G.O.Ms.No.255. Therefore, he approached this Court seeking a direction to the second respondent to pay the enhanced rate for the meal that is being supplied by him.

In the light of the circumstances explained by the petitioner, the second respondent is directed to implement the G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20-06-2003, if it is in force and pay the enhanced rates within two months from the date of receipt of a copy of this Order extending the benefit of enhanced rate from the date of G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20-06-2003, if necessary by addressing the Government for release of the necessary funds.

The writ petition is disposed of accordingly. No order as to costs.

27TH AUGUST 2004

*TSNR

To

1 The Principal Secretary, Medical and Family Welfare (CI)

Department, Secretariat Buildings, Hyderabad.

2. The Commissioner, A.P. Vaidya Vidhana Parishad,

Sultan Bazar, Hyderabad.

3 The District Coordinator of Hospital Services, Koti, Hyderabad.

4 The Medical Superintendent, Area Hospital, Nampally,

Hyderabad.

5. Two CCs to GP FOR MEDICAL HEALTH & FAMILY WELFARE, High Court Buildings, High Court of A.P. Hyderabad (OUT)

6. Two C.D. Copies